

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JOSE R. GUERRERO, State Bar No. 97276  
Supervising Deputy Attorney General  
3 CATHERINE E. SANTILLAN  
Senior Legal Analyst  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
5 Telephone: (415) 703-5579  
Facsimile: (415) 703-5480  
6

Attorneys for Complainant  
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8 **BEFORE THE**  
**RESPIRATORY CARE BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 DAVID P. SULLIVAN  
7722 N. Angus, Apartment 232A  
12 Fresno CA 93720

13 Respiratory Care Practitioner License No. 14123

14 Respondent.  
15

Case No. 1H 2007 014

OAH No. N2008020662

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 PARTIES

20 1. Stephanie Nunez (Complainant) is the Executive Officer of the  
21 Respiratory Care Board of California. She brought this action solely in her official capacity and  
22 is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of  
23 California, by Catherine E. Santillan, Senior Legal Analyst.

24 2. David P. Sullivan (Respondent) is representing himself in this proceeding  
25 and has chosen not to exercise his right to be represented by counsel.

26 3. On or about February 27, 1991, the Respiratory Care Board of California  
27 issued Respiratory Care Practitioner License No. 14123 to Respondent. The license was in full  
28 force and effect at all times relevant to the charges brought in Accusation No. 1H 2007 014 and

1 will expire on August 31, 2008, unless renewed.

2 JURISDICTION

3 4. Accusation No. 1H 2007 014 was filed before the Respiratory Care Board  
4 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
5 Accusation and all other statutorily required documents were properly served on Respondent on  
6 January 14, 2008. Respondent timely filed his Notice of Defense contesting the Accusation. A  
7 copy of Accusation No. 1H 2007 014 is attached as exhibit A and incorporated herein by  
8 reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations  
11 in Accusation No. 1H 2007 014. Respondent also has carefully read, and understands the effects  
12 of this Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the  
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
15 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;  
16 the right to present evidence and to testify on his own behalf; the right to the issuance of  
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
18 reconsideration and court review of an adverse decision; and all other rights accorded by the  
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in  
24 Accusation No. 1H 2007 014, agrees that cause exists for discipline and hereby surrenders his  
25 Respiratory Care Practitioner License No. 14123 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the  
27 Board to issue an order accepting the surrender of his respiratory care practitioner license without  
28 further process.

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15. Respondent shall cause to be delivered to the Board both his wall and pocket license certificate on or before the effective date of the Decision and Order.

16. Respondent understands and agrees that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 1H 2007 014 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

17. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license by any health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 1H 2007 014 shall be deemed to be true, correct, and admitted by Respondent.

18. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$6,514.50 prior to issuance of a new or reinstated license.

## ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my respiratory care practitioner license. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: May 13, 2008.

Original signed by:  
David P. Sullivan  
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: May 13, 2008

EDMUND G. BROWN JR., Attorney General  
of the State of California  
  
JOSE R. GUERRERO  
Supervising Deputy Attorney General

Original signed by:  
CATHERINE E. SANTILLAN  
Senior Legal Analyst  
  
Attorneys for Complainant

DOJ Matter ID: SF2007402673  
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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

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Fresno CA 93720

Respiratory Care Practitioner License No. 14123

Respondent.

Case No. 1H 2007 014

OAH No. N2008020662

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the  
Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 14, 2008.

It is so ORDERED June 4, 2008.

Original signed by: \_\_\_\_\_

LARRY L. RENNER, BS, RRT, RCP, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA